

Mail Stop Interference  
P.O. Box 1450  
Alexandria Va 22313-1450  
Tel: 571-272-9797  
Fax: 571-273-0042

Paper 33  
Filed: 3 December 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

EDWARD L. TOBINICK,  
and ARTHUR JEROME TOBINICK,  
Junior Party  
(Patent 6,015,557),

v.

JUNMING LE,  
JAN VILCEK, PETER DADDONA,  
JOHN GHRAYEB, DAVID KNIGHT, and SCOTT SIEGEL,  
Senior Party  
(Applications 10/227,488 and 10/665,971)

---

Patent Interference No. 105,621 (SGL)  
(Technology Center 1600)

---

*Before: SALLY GARDNER LANE, SALLY C. MEDLEY, AND MICHAEL P. TIERNEY,  
Administrative Patent Judges.*

LANE, Administrative Patent Judge.

**Judgment-- Request for Adverse -- Bd.R. 127(b)**

1           Tobinick requests adverse judgment as to Count 2, the sole count of the  
2 interference. (Paper 32 at 2). The request is GRANTED.

3           It is:

4                   **ORDERED** that judgment on priority as to Count 2 (Paper 23 at 1), the  
5 sole count of the interference, is entered against Junior Party Tobinick;

6                   **FURTHER ORDERED** that claims 1-3, 13, 14, 17-21, and 23-25  
7 of Tobinick patent 6,015,557, which claims correspond to Count 2 (Paper 30 at 2), be  
8 CANCELLED, 35 USC § 135(a);

9                   **FURTHER ORDERED** that the parties are directed to 35 USC § 135(c)  
10 and Bd. R. 205 regarding the filing of settlement agreements; and

11                   **FURTHER ORDERED** that a copy of this judgment shall be entered into  
12 the administrative record of Tobinick patent 6,015,557 and Le applications 10/227,488  
13 and 10/665,971.

1 cc (via electronic filing):

2  
3 Counsel for Tobinkick:

4  
5 Robert W. Hahl, J.D., Ph.D.  
6 Richard A. Neifeld, J.D., Ph.D.  
7 NEIFELD IP LAW, PC  
8 4813-B Eisenhower Avenue  
9 Alexandria, VA 22304

10  
11 Tel: 703-415-0012  
12 Email: [rhahl@neifeld.com](mailto:rhahl@neifeld.com)  
13 Email: [neifeld@neifeld.com](mailto:neifeld@neifeld.com)  
14

15 Counsel for Le:

16  
17 Joseph Lucci, Esq.  
18 WOODCOCK WASHBURN  
19 Cira Centre, 12<sup>th</sup> Floor  
20 2929 Arch Street  
21 Philadelphia, PA 19104-2891

22  
23 Tel: 215-564-8370  
24 Email: [lucci@woodcock.com](mailto:lucci@woodcock.com)  
25

26 Susan G.L. Glovsky, Esq.  
27 HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
28 530 Virginia Road  
29 P.O. Box 9133  
30 Concord, MA 01742-9133

31  
32 Tel: 978-341-0036  
33 Email: [susan.glovsky@hbsr.com](mailto:susan.glovsky@hbsr.com)  
34